EDMUND G. BROWN JR.
Attorney General of the State of California
DANE R. GILLETTE
Chief Assistant Attorney General
GARY W. SCHONS
Senior Assistant Attorney General
KEVIN R. VIENNA
Supervising Deputy Attorney General
DOUGLAS P. DANZIG
Deputy Attorney General
State Bar No. 153048
110 West A Street, Suite 1100
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2285
Fax: (619) 645-2191
Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JAMES ROBERT BARKACS, *Petitioner,* **v.** **D. ADAMS, *Warden,*** *Respondent.*	07cv2139 JAH (WMc) **EX PARTE REQUEST FOR THIRD ENLARGEMENT OF TIME TO FILE A RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION OF DOUGLAS P. DANZIG; PROPOSED ORDER**

RESPONDENT, D. Adams, Warden of California State Prison, Corcoran, California, by and through counsel Edmund G. Brown Jr., Attorney General of the State of California, and Douglas P. Danzig, Deputy Attorney General, makes this request for a 3-day enlargement of time from today's date, to May 8, 2008, in which to file an Answer to Petitioner's "Petition For Writ Of Habeas Corpus Under 28 U.S.C. § 2254 By A Person In State Custody" (Petition).

An Answer is was due no later than April 18, 2008. An enlargement of time to file an Answer is requested for the reasons set forth in the accompanying declaration of counsel.

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CONCLUSION

For the foregoing reasons, Respondent respectfully requests this Court grant the enlargement of time.

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DANE R. GILLETTE
Chief Assistant Attorney General

GARY W. SCHONS
Senior Assistant Attorney General

KEVIN VIENNA
Supervising Deputy Attorney General

s/DOUGLAS P. DANZIG

DOUGLAS P. DANZIG
Deputy Attorney General

Attorneys for Respondent

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DECLARATION OF DOUGLAS P. DANZIG

Douglas P. Danzig hereby declares:

I am the Deputy Attorney General assigned to prepare the pleadings in the case of *Barkacs v. Adams*, civil number 07cv2139-JAH (WMc). The case was originally assigned to another deputy, but reassigned to me on December 3, 2007, because the other deputy retired. Two previous enlargements of time have been granted to Respondent in this case.

I have no idea how I mis-calendared this case, but for some reason I had it on my case management system as due today, May 5, 2008, despite the fact that after I reviewed the file I realized it was due April 18, 2008. I finished drafting the answer yesterday, May 4, 2008, and intended to file it today, electronically. However, my secretary is out sick today, so I'm asking for this short enlargement of time.

I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Executed this 5th day of May, 2008, at San Diego, California.

s/DOUGLAS P. DANZIG

DOUGLAS P. DANZIG
Deputy Attorney General

CERTIFICATE OF SERVICE BY U.S. MAIL

I declare: I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **May 5, 2008**, I served the following documents:

EX PARTE REQUEST FOR THIRD ENLARGEMENT OF TIME TO FILE A RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION OF DOUGLAS P. DANZIG; PROPOSED ORDER	***Barkacs v. Adams*** United States District Court Southern District of California 07cv2139 JAH (WMc)

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

JAMES ROBERT BARKACS
CDC NO V-75306
P O BOX 3476
CORCORAN CA 93212

Pro se

ELECTRONIC MAIL NOTICE LIST

I have caused the above-mentioned document(s) to be electronically served on the following person(s), who are currently on the list to receive e-mail notices for this case: None.

MANUAL NOTICE LIST

The following are those who are ***not*** on the list to receive e-mail notices for this case (who therefore require manual noticing): **JAMES ROBERT BARKACS** at the above-named address.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **May 5, 2008**, at San Diego, California.

STEPHEN MCGEE
Declarant

[signature]
Signature